

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re
RAYMOND S. ELWOOD

CASE NO. 13-11700
Chapter 13

Debtor

TO THE HONORABLE ROBERT E. LITTLEFIELD, JR.:

OBJECTION TO REQUEST FOR LOSS MITIGATION

I, Mark K. Broyles, do hereby certify as follows:

1. I am an attorney at law in the State of New York with the law firm of FEIN, SUCH and CRANE, LLP, attorneys for Santander Bank, N.A., ("Secured Creditor" herein), and I make this affirmation in objection to the request for Loss Mitigation filed and served by the Debtor, on or about October 14, 2014.

2. Secured Creditor responds per the reasons that follow:

(1) Secured Creditor holds the mortgage on Debtor's property, which is located at 3444 Gari Lane, Schenectady, New York 12303.

(2) On or about March 28, 2014, a Notice of Default was served and filed pursuant to the terms of the Confirmation Order, Exhibit "A".

(3) On or about April 21, 2014, due to no response to the Notice of Default, the Ex-Parte Order seeking relief was filed, Exhibit "B".

(6) On or about April 21, 2014 the Ex-Part Order seeking relief was granted, Exhibit "C".

(7) Therefore, as Secured Creditor has obtained relief from the automatic stay, debtor should not be eligible for loss mitigation with respect to 3444 Gari Lane, Schenectady, New York

12303.

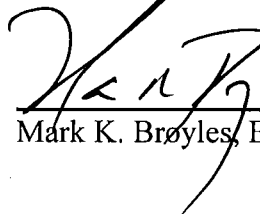
WHEREFORE, for the reasons stated above, and for any others that the Court deems fit to adopt, Secured Creditor respectfully requests that Debtors' request be denied in its entirety, together with such other relief as this Court deems just and proper.

FEIN SUCH AND CRANE, LLP.

Attorneys for the Creditor,
Santander Bank, N.A.

Dated: 10/28/14

By


Mark K. Brøyles, Esq.